

## TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

FEBRUARY 20, 2007

**Roll Call**

President William D. Beagle called to order the regular meeting of the Tipp City Council at 7:32 p.m. Roll call showed the following Council Members present: Rick Mains, Jr., Vickie K. Blakey, Donald H. Ochs, William D. Beagle, Mayor George H. Lovett, Tim Evans, and Patrick Hale.

In attendance: City Manager David A. Collinsworth, Law Director Joseph P. Moore, Finance Director Richard Drennen, Utilities Director M. J. Eichman, Assistant Utilities Director Christy Butera, City Engineer/Service Director Scott Vagedes, Assistant City Manager Bradley C. Vath, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, *Independent Voice* reporter Matt Bayman, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Terry Naas, John Berbach, Clark Miller, Jerry Borchers, Jake Roberts, Robert Himes, and Joe Bagi.

**Invocation and  
Pledge of Allegiance**

Pastor Clark Miller from Ginghamburg United Methodist Church delivered the invocation. President Beagle led the Pledge of Allegiance.

**Approval of Agenda**

Mr. Evans moved, seconded by Mayor Lovett, to amend the agenda to add the discussion item relating to the removal of a barrier on Burnside Drive. The motion carried.

Mrs. Blakey moved to amend the agenda to add a motion to set a public hearing to consider the renewal of an agricultural district located on Donn Davis Way, seconded by Mr. Hale. The motion carried.

Mr. Evans moved to approve the amended agenda, seconded by President Beagle. The amended agenda was unanimously approved.

**Adoption of Minutes**

Mayor Lovett moved, seconded by Mr. Ochs, to adopt the minutes of the February 5, 2007 Pre-Meeting Study Session. The motion carried with a vote of 7-0.

Mr. Lovett noted the following correction on page 130, paragraph 3, "He stated that 10 years was a just a preference not a prerequisite for him." Mr. Lovett, seconded by Mr. Hale, moved to adopt the amended minutes of the February 5, 2007 City Council Meeting. The motion carried 7-0.

Mr. Ochs moved to adopt the minutes of the February 5, 2007 Post-Meeting Study Session, seconded by Mr. Mains. The minutes were unanimously adopted.

**Proclamation  
Mental Retardation  
and Developmental  
Disabilities Month**

Mayor Lovett presented a proclamation to Terry Naas Staff Development and Community Relations Manager at Riverside of Miami County which proclaimed the month of March as Mental Retardation and Developmental Disabilities Month in the City of Tipp City.

**Ordinances**

(Second Reading and  
Public Hearing)

Ordinance 09-07

Accepting Public  
Improvements –

Hunter's Ridge, Sec. 2

The following ordinances were presented to City Council for second reading and public hearing.

Ordinance 09-07: An ordinance accepting the improvements as completed by the developer of Hunter's Ridge Subdivision, Section Two.

Clerk of Council Summary: All required public improvements in Hunter's Ridge, Section Two, have been installed in accordance with City specifications. City staff recommends acceptance of the improvements and the one-year 10% maintenance bond.

City Manager Report: Mr. Collinsworth noted that staff had reviewed and inspected all required improvements and have found them to be constructed in conformance with City specifications. He added that the developer had provided the required surety for uncompleted sidewalks, plus 10% for the maintenance of all installed improvements.

There being no additional comments, Mr. Hale sponsored this ordinance and moved for its adoption, seconded by Mr. Mains. The motion unanimously carried. Ordinance 09-07 was declared passed and President Beagle affixed his signature in witness thereto.

Ordinance 10-07

Zoning Code

Amendments/Fences

Ordinance 10-07: An ordinance amending Sections 154.004, 154.059(D), and 154.175 and adding Section 154.059(E) of the Tipp City, Ohio Code of Ordinances to define and revise the standards for accessory fences, walls, and hedges within residential districts.

Clerk of Council Summary: The Planning Board has reviewed and recommended these proposed zoning code changes at their November 20th meeting. These changes modify the City's requirements for fence installations and maintenance.

City Manager Report: Mr. Collinsworth noted that the proposed zoning code changes pertained to fence height, which direction the finished side of the fence shall face, the construction/prohibition of walls within utility easements, the removal of the 6:1 ratio of solid to open construction on rear yard fencing, welded wire fence attached to split rail fences, and specifications for the requirements of other fence material and maintenance.

There being no additional comments, Mrs. Blakey sponsored this ordinance and moved for its adoption, seconded by Mr. Hale. The motion unanimously carried. Ordinance 10-07 was declared passed and President Beagle affixed his signature in witness thereto.

Ordinance 11-07

Income Tax Levy

President Beagle sponsored an ordinance amending Ordinance No. 13-81, passed April 6, 1981, which ordinance was approved by the voters on September 8, 1981, and subsequently amended by Ordinance 24-02, passed July 15, 2002 and where such amendment is to permanently add one-quarter of one percent (0.25%) to the present City of Tipp City income tax rate commencing January 1, 2008, for the proceeds of which are to be used solely for the purposes of capital improvements including but not limited to repairing, replacing, improving, or expanding municipal roads, streets, alleys, stormwater systems, building, structures or other physical assets, including vehicles and

equipment, and to submit this ordinance to the electorate for approval or rejection at the May, 2007 election.

Clerk of Council Summary: This ordinance will authorize a tax levy to be placed before the voters of the City to increase the City's income tax rate by 0.25% for capital improvement expenditures. This question would go before voters at the May, 2007 election.

City Manager Report: Mr. Collinsworth stated that in the last 3 to 6 years the City has struggled to come up with funds to do physical improvements in the community such as road improvements, maintenance of the streets, storm water improvements, and replacement of major equipment that are desired, needed, and necessary. He noted that the list of unfunded projects continued to grow. During a study session on January 16th City Council discussed the concept of a 0.25 percent increase to the City's current income tax rate that would be allocated specifically for capital improvements. City Council discussed whether the increase should be permanent or if it should have a specific term. Mr. Collinsworth noted that a 0.25% increase would generate around \$800,000 per year that could be allocated for capital improvements. Staff drafted two income tax levy ordinances for City Council's consideration. Mr. Collinsworth noted that both ordinances provided a 0.25 percent increase in the City's current income tax rate of 1.25%. One ordinance was drafted as a permanent increase and the other as a 10-year tax levy. Upon passage in either case the tax would not go into effect until January 1, 2008.

There being no additional comments, President Beagle sponsored this ordinance and moved for its adoption, seconded by Mrs. Blakey. The motion unanimously carried. Ordinance 11-07 was declared passed and President Beagle affixed his signature in witness thereto.

The following resolutions were presented to City Council for adoption.

Resolution 06-07: A resolution authorizing the City Manager to purchase a John Deere tractor with attachments for the Parks Department through the State of Ohio Cooperative Purchasing Plan from Boone's Power Equipment, Inc. of Brookville, Ohio for a total cost of \$26,235.62.

Clerk of Council Summary: This purchase was budgeted in the 2007 Capital Improvement Fund for the Parks Department in the amount of \$35,000.

City Manager Report: Mr. Collinsworth stated that the Parks Department intends to purchase one John Deere 5325 tractor with attachments at a cost of \$26,235.62 which includes trade-in of a 1998 John Deere tractor that has a trade-in value of \$9,000. He noted that the 1998 unit had seen more usage and was encountering more mechanical problems than the older 1995 and 1993 tractors in the fleet. Mr. Collinsworth stated that the 1998 unit will be traded in and the new unit should be available for the spring and summer mowing season.

**Resolutions  
(One Reading  
Required)**

Resolution 06-07  
Tractor Replacement

Resolution 07-07  
Surplus Equipment

There being no further discussion, Mr. Ochs sponsored this resolution and moved for its adoption, seconded by Mayor Lovett. The motion unanimously carried. Resolution 06-07 was declared passed and President Beagle affixed his signature in witness thereto.

Resolution 07-07: A resolution declaring personal property owned by the City of Tipp City to be declared surplus property and no longer useful in the general operation of the City.

Clerk of Council Summary: This legislation declares various City vehicles and equipment as surplus property. These items will be traded-in, disposed of, or sold at auction.

City Manager Report: Mr. Collinsworth stated that the following items needed to be replaced or disposed of this year:

- 1979 Chevrolet Suburban
- 1990 Dodge Cargo Van
- 1996 Chevrolet Lumina
- 1999 Dodge Intrepid
- 1996 Ford F150 Pickup
- 1995 Ford F350 One Ton
- 1999 Ford Crown Victoria
- 1993 Ford F150 Pickup
- Hustler Z 60" Mower
- Hustler Z Bagger
- 15' Progressive Mower

It has been the City's policy to declare any item with a residual value of \$1,000 or greater as surplus. Mr. Collinsworth noted that these items would either be auctioned or sold on a web-based government auction program.

President Beagle asked if the trade in amounts were budgeted in the Capital Improvement Plan. Mr. Drennen stated that the equipment costs contained in the Capital Improvement Plan included estimated trade in values for surplus equipment where trade-ins were expected.

Mrs. Blakey noted that the City had stretched its dollars by retaining the 1979 Chevrolet Suburban for such a long period of time.

There being no further discussion, Mrs. Blakey sponsored this resolution and moved for its adoption, seconded by Mr. Hale. The motion unanimously carried. Resolution 07-07 was declared passed and President Beagle affixed his signature in witness thereto.

Resolution 08-07  
S. Hyatt Street Sewer  
Extension

Resolution 08-07: A resolution authorizing a contract with Spearman Brothers Inc. of Sidney, Ohio for the South Hyatt Street Sanitary Sewer Extension Project at a cost of \$85,852.51.

Clerk of Council Summary: Spearman Brothers of Sidney, Ohio provided the lowest and best bid and Staff recommends they be awarded the contract for the South Hyatt Street Sanitary Sewer Extension Project. A total of 8 bids were received for the project.

Resolution 09-07  
Main Street  
Streetscape Light  
Purchase

City Manager Report: Mr. Collinsworth reported that this project was re-bid after the first round of bidding produced bids that exceeded the engineer's estimate by more than 10%. At that time the project was reviewed with the intent of reducing project costs but the financial results did not improve. This time a total of eight bids were received ranging from a low of \$82,412.74 to a high of \$252,414.65 staying within the revised engineer's estimate of \$100,000 for this project. Staff along with the design engineer Poggemeyer, have reviewed the bids and determined the lowest and best bid as being Spearman Brothers of Sidney for \$85,852.51.

There being no further discussion, Mr. Mains sponsored this resolution and moved for its adoption, seconded by President Beagle. The motion unanimously carried. Resolution 08-07 was declared passed and President Beagle affixed his signature in witness thereto.

Resolution No. 09-07: A resolution authorizing a contract with the Lumec Corporation of Boisbriand, Quebec, Canada for the purchase of 43 street lights for the Main Street Streetscape project at a cost of \$88,846.00.

Clerk of Council Summary: This resolution authorizes the purchase of 43 streetlights for the Main Street Streetscape Project and waives competitive bidding requirements.

City Manager Report: This vendor, Lumec, Inc. of Quebec, Canada was selected in the early 1990's to supply the street light casts for the City's decorative street lighting initiative which extends today to the Main Street Streetscape Program. Mr. Collinsworth noted that sufficient funds were budgeted for this project in the Electric Fund.

Mayor Lovett noted that former Councilman Kingrey suggested that the City obtain pictures of the molds to guarantee they are being properly maintained and cared for. He asked if the City ever obtained those photographs. Mr. Eichman stated that the City had not received pictures of the molds. Mayor Lovett suggested the City contact the Lumec Corporation and request that they take digital pictures of the molds and email them to the City.

Mr. Ochs asked if the City owned the molds and if so should they be insured. Mr. Collinsworth wasn't sure if Tipp City owned the molds, stating that they were not listed in the City's insured property values. Mr. Collinsworth noted that the City purchased the molds as part of the initial light order but since the City didn't retain the mold he wasn't sure if they could be adequately insured. Mr. Eichman stated that he could check into the ownership of the casts.

Mr. Ochs stated that the molds should be able to be identified with a tool number or mold number and if Lumec has a loan agreement with the City to store and maintain the casts the City would have an insured interest in the molds. He stated that the City could possibly require Lumec to insure the molds and provide the City proof of the insurance. In addition, if Lumec used the molds for other projects it could create wear and tear on the casts and reduce their life.

Mrs. Blakey asked if the light poles would be equipped to hang banners and asked if the City would be able to order additional banners. Mr. Collinsworth concurred that the light poles would be outfitted to hang banners and flags and since the City purchased the banners from a local company, additional banners could be reproduced.

There being no further discussion, Mr. Evans sponsored this resolution and moved for its adoption, seconded by Mr. Ochs. The motion unanimously carried. Resolution 09-07 was declared passed and President Beagle affixed his signature in witness thereto.

**Ordinances  
(First Reading)**

The following ordinances were presented to City Council for first reading. The second reading and public hearing will occur at the March 5, 2007 meeting.

**Legacy District  
Overlay Zoning**

Mrs. Blakey sponsored an ordinance enacting section 254.064 "LD - Legacy Overlay District" of the Tipp City, Ohio Code of Ordinances to define and implement the Legacy Overlay District.

Clerk of Council Summary: This ordinance amends the zoning code and creates a new zoning overlay district entitled Legacy District (LD). This change is recommended by the Planning Board and is consistent with the recommendations of the Legacy District Reuse Plan.

City Manager Report: During the February 5th City Council meeting staff reviewed the proposed establishment of a Legacy Overlay District zoning classification within the City's Zoning Code. The proposed Overlay District is in compliance with the Legacy Reuse Plan adopted last year by City Council. Mr. Collinsworth noted that adoption of this ordinance did not rezone any property with the Legacy District Overlay rather it merely created the classification in the code for future rezonings. The Planning Board reviewed this ordinance and recommended its approval by City Council.

**County Road 25A  
Construction Note  
Refinancing**

President Beagle sponsored an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$600,000 in anticipation of the issuance of bonds, for the purpose of paying the City's portion of the costs of improving County Road 25A between certain termini within the City in cooperation with the Director of Transportation of the State of Ohio by paving, draining and constructing curbs, gutters and necessary approaches, together with all necessary appurtenances thereto.

Clerk of Council Summary: This legislation authorizes the issuance of one-year bond anticipation notes in an amount not to exceed \$600,000 to finance certain costs associated with the County Road 25A widening project.

City Manager Report: Mr. Collinsworth reported that 2 years ago City Council authorized the issuance of a one-year note that would finance the City's portion of the improvements for the widening of County Road 25A. The note was renewed in 2006 and will expire on April 25, 2007. Staff requested City Council authorize the re-issuance of the note in the amount of \$600,000.



**Electric Rate  
Ordinance**

Mr. Ochs sponsored an ordinance amending Chapter 53 of the Codified Ordinances of Tipp City, Ohio entitled "Electric Regulations".

Clerk of Council Summary: This legislation authorizes an increase in and modification of the current rate schedule for all Electric customers within the corporate limits.

City Manager Report: Mr. Collinsworth noted that on January 16<sup>th</sup> John Courtney from Courtney and Associates presented an analysis of Tipp City's electric rates and cost of service. The last cost of service study was conducted in 1990. Mr. Courtney determined that Tipp City's current rates were not sufficient and would need to be increased by 15% over the next three years in order to meet the projected 2009 revenue requirements. It was also recommended that the City adjust the demand charge basis from a Kilovolt calculation to a more standard Kilowatt calculation. The most significant recommendation concerns changing the power cost adjustment charge from the current formula which includes past and future estimated power costs to a rolling six-month look-back calculation. Mr. Collinsworth noted that the average impact on a residential customer would be about \$10 over the three year period.

**Motions  
Set Public Hearing**

Mrs. Blakey moved, seconded by Mr. Ochs, to hold a public hearing on March 5, 2007 to consider the renewal of an agricultural district located on Donn Davis Way owned by Berry-Logan Properties LLC. The motion carried 7-0.

**Miscellaneous  
Burnside Drive  
Barricade**

Mr. Evans stated that on February 5<sup>th</sup> a request was made to the City Manager requesting that the barricade on Burnside Drive be removed. He noted that barricade was put into place in conjunction with the developer's agreement with Hunter's Ridge Subdivision. The developer's agreement states that the connection on Burnside Drive shall not be opened until the new roadway section is accepted by the City. He noted that the Section had been accepted by the City. In a supplemental agreement dated August 2005 the property owners of 698 Burnside Drive requested the City relocate the barricade from the western lot line to their eastern lot line to allow the resident access to Burnside Drive. Mr. Evans noted that the document was executed by the Developer, City Manager, and the property owner. The supplemental agreement put an additional burden on the development requiring that 75% of the lots in Section One be developed prior to the removal of the barricade. Mr. Evans noted that during the initial agreement the Township expressed concerns about increased construction traffic in the neighborhood and asked that the barricade be put into place. He noted that City Council had been given a petition signed by property owners and developers requesting the barricade be removed. Mr. Evans stated that in his opinion the City should comply with the original agreement and remove the barricade but stated that the City should contact the Township Trustees prior to taking action on this issue.

Mr. Collinsworth stated that he should be able to discuss this matter with the Township prior to the next City Council Meeting.

Jerry Borchers, 849 Sycamore Woods, stated that the second agreement signed away his rights. He offered to pay for signage directing construction traffic and suggested builders be held financially

responsible for trucks driving through the older subdivision. Mr. Borchers stated that if the street was opened properties would sell better.

President Beagle asked if this item would be on the March 19<sup>th</sup> agenda. Mr. Collinsworth stated that he would report to City Council before any action was taken on the matter.

Mr. Hale asked if City Council had any objections to the barricades being removed prior to the next meeting if the City and the Township were in agreement.

Mayor Lovett stated that he had a conflict of interest and would be abstaining from the discussion of this matter.

Mr. Mains asked if the City was aware of the percentage of homes developed in Section One. Mr. Vath estimated that 30 – 40% of the lots on Burnside were developed.

Mr. Ochs stated that the Township needed the opportunity to discuss the matter with the residents on Burnside Drive and should be handled administratively.

Mr. Borchers stated that economy and budgets have changed over the past 5 and 10 years. It could take 10 years or more to develop 75% of the lots. Mr. Borchers noted that utility rates and property taxes have increased and foreclosures are on the rise. He asked that Council help the businessmen in the community.

#### **Citizen Comments**

There were no citizen comments on items not on the agenda.

#### **Council Member Comments**

Mr. Ochs complimented the Street and Parks Departments for doing a terrific job cleaning the roadways after the recent snow event.

Mr. Hale congratulated the girl's basketball team for an outstanding season. He noted that the boy's basketball team was still undefeated and would play their next game on Saturday at Hobart Arena.

Mr. Lovett announced that the Past Council Member Forum scheduled for February 7<sup>th</sup> had to be rescheduled due to weather conditions. The meeting has been rescheduled for Tuesday, March 20<sup>th</sup> at 7 p.m. at the Government Center.

President Beagle thanked the Planning Board for their efforts in amending the fence code.

Mrs. Blakey noted that pool pass prices would increase April 1<sup>st</sup>.


#### **City Manger Comments**


Mr. Collinsworth reported that City Council had been provided with draft Historic Preservation Plans and any edits should be forwarded to the City Manager or the Zoning Administrator Matt Spring. He noted that the City would begin taking reservations for the City's park shelters on Monday, March 5<sup>th</sup>. Mr. Collinsworth reported that the demolition of 530 and 536 Main Street would begin on Wednesday, February 21<sup>st</sup>.



**Adjournment**

There being no further business, it was moved by Mr. Ochs, seconded by Mr. Evans, that the meeting be adjourned. The motion unanimously carried. President Beagle declared the meeting adjourned at 8:42 p.m.

  
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William D. Beagle, President of Council

Attest:   
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Misty Cheshire, Clerk of Council